

Surface Mining Reclamation and Enforcement, Interior

§ 845.15

(ii) The following definitions shall apply under paragraph (b)(4)(i) of this section:

(A) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(B) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.

(iii) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

§ 845.14 Determination of amount of penalty.

The Office shall determine the amount of any civil penalty by converting the total number of points assigned under 30 CFR 845.13 to a dollar amount, according to the following schedule:

Points	Dollars
1	22
2	54
3	76
4	108
5	110
6	132
7	154
8	176
9	198
10	220
11	242
12	264
13	386
14	408
15	430
16	452
17	474
18	496
19	518
20	540
21	562
22	584
23	606
24	628
25	650
26	760
27	970
28	1,080
29	1,090
30	1,100
31	1,210
32	1,320
33	1,430
34	1,540
35	1,650

Points	Dollars
36	1,760
37	1,870
38	1,980
39	2,090
40	2,200
41	2,310
42	2,420
43	2,530
44	2,640
45	3,750
46	3,860
47	3,970
48	4,080
49	4,190
50	4,300
51	4,410
52	4,520
53	4,630
54	4,740
55	4,850
56	4,960
57	5,070
58	5,180
59	5,290
60	5,400
61	5,510
62	5,620
63	5,730
64	5,840
65	5,950
66	6,060
67	6,170
68	6,280
69	6,390
70	6,500

[47 FR 35640, Aug. 16, 1982, as amended at 62 FR 63276, Nov. 28, 1997; 66 FR 58647, Nov. 21, 2001; 70 FR 70701, Nov. 22, 2005]

§ 845.15 Assessment of separate violations for each day.

(a) The Office may assess separately a civil penalty for each day from the date of issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the Office shall consider the factors listed in 30 CFR 845.13 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for two or more days and which is assigned more than 70 points under § 845.13(b), the Office shall assess a penalty for a minimum of two separate days.

(b) In addition to the civil penalty provided for in paragraph (a), whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section